

REMARKS

Applicant has carefully reviewed the Examiner's February 5, 2004 Official Action and respectfully requests reconsideration based on the above amendments and the following comments.

Claims 1-6 have been elected and new claims 10 and 11 added. Claims 7-9 have been withdrawn without prejudice as being directed to a non-elected invention. Applicant reserves the right to file a divisional application covering the non-elected invention if that appears to be desirable. Claims 1-6, 10 and 11 remain in the application for consideration.

In response to the Examiner's rejection of claim 2 under 35 U.S.C. 112, first paragraph, and rejection of claims 1-6 under 35 U.S.C. 112, second paragraph, Applicant has canceled claim 2 and amended claim 1, 3 and 4 to eliminate each of the problems identified by the Examiner. Applicant respectfully submits that these rejections have now been overcome.

The Examiner has further rejected claims 1-6 under 35 U.S.C. 102(b) as being anticipated by Ohtsuki '689, and claims 1-6 under 35 U.S.C. 103(a) as being unpatentable over Coran '110 in view of Ohtsuki. Applicant respectfully traverses both

of these rejections especially as applied to the claims as amended.

It is an object of the current invention that the plastic film forming the inside of the food packaging is joined to the carrier film in a way, that a migration of laminating agents through the plastic film into the content of the food packaging is eliminated.

To meet this object two of the features of claim 1 are of particular importance. First, the dissolved or dispersed plastic forming the laminating agent is identical to that from which one of the plastic film forming the inside of the food packaging is made. Second, the process step of drying lasts long enough to completely vaporize all liquid components of the solution or dispersion. These two main features of the current invention are neither anticipated nor suggested by the cited prior art.

Ohtsuki does not disclose an adhesive with a dissolved or dispersed plastic being identical to the plastic, which is used for the plastic film forming the inside of the food packaging. The examiner's statement referring to this (see the last three lines on page 5) is based on a misinterpretation of Ohtsuki. Not the adhesive - as mentioned in the brackets of the cited examiner's statement - but only

the "carboxyl group-containing polyolefin is formed by copolymerizing an olefinic monomer (see column 3, line 49 to 52). The thus-obtained polyolefin is then dissolved or dispersed (see column 4, line 64 to 68) in an organic solvent. So, this solution or dispersion would be the adhesive, not the polyolefin itself as assumed by the examiner.

Ohtsuki uses the carboxyl group-containing polyolefin (see column 3, line 49 to 64) or as alternative a polyolefin based resin prepared by compounding a metal compound with a carboxyl group-containing polyolefin (see column 4, line 17 to 45) as a basic plastic material to be dissolved or dispersed (see column 4, line 64 to 68). Therefore, the plastic used for the adhesive differs clearly from the plastic used for the plastic film forming the inside of the food packaging. The plastic used by Ohtsuki for the adhesive contains carboxyl and/or a metal compound as an additional component. Thus, the first main feature of the current invention is not fulfilled by Ohtsuki.

Furthermore, Ohtsuki is silent concerning the second main feature. There are no comments regarding a complete vaporization of the liquid of the solution or the dispersion. The only statement in example 4 (see column 8, line 67) refers

to a "drying at 140° C". However, a complete vaporization of the liquid is not mentioned.

In summary, the two main features for preventing an undesired migration of laminating agents are not disclosed by Ohtsuki. Also, these two main features would not have been obvious to one of ordinary skill in the art. With respect to a migration prevention it was not obvious to use the same plastic for the adhesive and for the inside coating of the food packaging and to completely vaporize all liquid components before joining the carrier and the plastic film.

Finally, Ohtsuki joins the carrier film 1, the plastic film 4 and the adhesive simultaneously (see figures 1 and 2). In comparison, the claimed invention uses a process with subsequent steps. First, the carrier film is coated, then the coated carrier film is dried and finally the coated and dried carrier film is joined to the plastic film. This process sequence is also not disclosed by Ohtsuki.

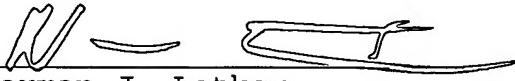
With regard to Coran, it does not mention any specific use for a food packaging. In addition, Coran is also silent as to the above-mentioned two main features of the current invention. The Coran dissolved or dispersed plastic is a modified polymer (see page 2, last line), which is "prepared by melt mixing olefin polymer with substituted

maleamic acid, preferably in the presence of a radical generator" (see page 1, lines 39 and 40). Due to the maleamic acid and/or the radical generator the plastic used for the solution or dispersion again differs from the plastic used for the plastic film to be joined. Furthermore, Coran is also silent as to a complete vaporization of the liquid. So, the specific use, the object (preventing an undesired migration of laminating agents) and the two main features of the current invention are missing in the disclosure of Coran. Any combination at all with Ohtsuki would not deliver all of these missing links. As above-mentioned, Ohtsuki is silent, too, as to the two main features of the current invention.

Applicant submits that the invention is new and unobvious and not disclosed by the cited art. Accordingly, Applicant respectfully solicits the Examiner's early review and issuance of this application.

Respectfully submitted,

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